



City of Loma Linda Official Report

Floyd Petersen, Mayor
Stan Brauer, Mayor pro tempore
Robert Christman, Councilmember
Robert Ziprick, Councilmember
Charles Umeda, Councilmember

COUNCIL AGENDA: May 23, 2006
TO: City Council
FROM: Dennis R. Halloway, City Manager
SUBJECT: Report on allegations of staff misconduct

RECOMMENDATION

The recommendation is for the City Council to review and file the Report.

BACKGROUND

On March 28, 2006, the City Council received testimony from Ms. Georgia Hodgkin that city staff had not provided Save Loma Linda with signed copies of the final resolutions and ordinances that were adopted by the City Council relating to the Specific Plans for University Village and Orchard Park Projects. Ms. Hodgkin testified that the citizen referendums filed on the two projects were successfully challenged in Superior Court by Friends of Loma Linda. The challenge was successful because Save Loma Linda had not included signed copies of the resolutions and ordinances [for the projects] as part of their submittal to the Registrar of Voters.

The City Council directed the City Manager to investigate Ms. Glendrange's complaint and to report back with findings.

ANALYSIS

Chronological Sequence of Events

As requested by the City Council I have investigated the events relating to Ms. Hodgkin's complaint. The following is a summary of the events related to Ms. Hodgkin's charges that staff had not complied with Save Loma Linda's public records request.

- 09-20-05 The City Council approved the General Plan Amendments, Specific Plans, and Zone Changes for both projects (see Attachment A, Summary of City Council Actions). The resolutions for the General Plan Amendments and Specific Plans (as amended) were effective upon adoption. The ordinances for the Zone Changes and Specific Plans (as amended) were introduced upon the first reading. The second reading for both projects was scheduled for September 27, 2005.
- 09-21-05 The City Clerk reviewed the tape of the 09-20-05 meeting to determine the amendments to the Specific Plans.
The City Clerk and Community Development Director met to formulate the "added conditions" that are summarized in Attachment A.

09-27-05 The City Council adopted the ordinances upon the second reading for the Specific Plans and Zone Changes.

09-29-05 Ms. Kathy Glendrange and Mr. Ovidiu Popescu of Save Loma Linda, requested copies of the final Specific Plan documents, resolutions and ordinances adopted by the City Council, and minutes from the Council hearings for the two projects from Community Development. Mr. HP Kang, Senior Planner explained that the applicants were making the revisions to their Specific Plans that were required by the City Council on September 20th. The final versions of the two specific plans were not yet available.

Mr. Kang explained to Ms. Glendrange that only the draft versions of the Specific Plans were available for reproduction. Ms. Glendrange opted for copies of the draft plans, which were marked as drafts. Due to the size of the two documents, staff was not able to make the copies and Mr. Kang suggested that Ms. Glendrange hire a bonded blueprint company to pick up the documents for copying. This suggestion was offered as an effort to assist Ms. Glendrange with her request. Redlands Blueprint Company picked up the draft Specific Plan documents at 10:06 a.m. that morning.

In keeping with the City's Public Records Act protocols, Mr. Kang referred Ms. Glendrange to the City Clerk's Office to complete and file the Public Records Request form for all of the requested documents, including the specific plans. Ms. Glendrange was told that she could view the City Council Staff Reports but that the minutes from the City Council meeting were not available from the Community Development Department. The Public Records Request form was never formally submitted to the City.

10-03-05 Ms. Julie Biggs of Burke Williams & Sorensen, LLP contacted the City Clerk on behalf of Save Loma Linda to request signed copies of the various resolutions and ordinances adopted on September 20th and 27th relating to the University Village and Orchard Park Projects. The City Clerk informed Ms. Biggs that the documents were not yet signed by the Mayor, and that she was uncertain as to when they would be signed. She offered to certify the unsigned copies, but Ms. Biggs insisted on receiving signed copies.

10-04-05 Redlands Blueprint Company returned the draft Specific Plan documents and copies to the Community Development Department and Ms. Glendrange was contacted that they were ready for pickup.

10-05-05 The City Clerk received a letter from Ms. Biggs dated October 3, 2005 (see Attachment B) requesting documents relative to the University Village and Orchard Park projects. In her letter, Ms. Biggs stated that, "Ms. Glendrange will rely on the documents as submitted to and acted upon by the City Council on the dates on which such action was taken for any legal action she may undertake." It should be noted that the Specific Plan resolutions and ordinances were amended at the September 20th City Council meeting.

The letter also contained complaints that City Staff had not provided documents to Ms. Glendrange as required by the Public Records Act. The letter was referred to the City Attorney for response.

The City Clerk received the signed resolutions (approved on September 20th) from the Mayor, and prepared the certification of posting. Because Ms. Biggs letter of October 3, 2005 stated that Save Loma Linda would go forward with the documents as submitted to the City Council on September 20th, the City Clerk was of the understanding that they no longer required copies of the signed documents.

- 10-06-05 City Attorney responded to the October 3, 2006 letter from Ms. Biggs (see Attachment C).
- 10-12-05 The City Clerk received the signed ordinances (approved on September 27th), from the Mayor, and prepared certification of posting. Because Ms. Biggs letter of October 3, 2005 stated that Save Loma Linda would go forward with the documents as submitted to the City Council on September 27th, the City Clerk was of the understanding that they no longer required copies of the signed documents.

Public Records Act Requirements

The protocol that City staff follows to meet the requirements of the Public Records Act is fairly straight forward. When a request is received to review or copy public documents, staff provides the requester a copy of the City's Public Records Request Form (see Attachment D) along with an instruction sheet that explains how the form is completed and the statutory time limits. The requester is then referred to the City Clerk's Office where the form is accepted for filing. Once the form is filed with the City Clerk's Office, the City has 10 working days to notify the requester as to the availability and estimated cost of the documents, and the time it will take to process the request. The City Clerk and/or City Attorney usually respond to the requester in writing. If the request is to review records rather than to receive copies, an appointment is scheduled once the records are assembled.

When Ms. Glendrange requested copies of the Specific Plan documents (and other related documents) on September 29th, Community Development staff tried to assist her by contacting Redlands Blueprint Company and arranging for a same day pick up of the draft Specific Plans. She was given a Public Records Request Form and asked to complete the form and submit it to the City when she came to pickup the Specific Plan documents. As stated previously, the form was never submitted but Ms. Glendrange was still allowed to pick up the copies on October 4th. It should be noted that Ms. Glendrange had also requested copies of the City Council Staff Reports and minutes for the September 20th and 27th meetings. She was told that copies of the Staff Reports were available on the City's website and that the minutes for the two meetings had not been completed and thus were not yet available.

As stated, the October 3, 2005 letter from Ms. Biggs was referred to the City Attorney for response. In her letter, Ms. Biggs asserted that signed documents must be made immediately available. Mr. Holdaway responded in his letter of October 6th that the Public Records Act does not require immediate availability of signed documents. He went on to state that the final resolutions and ordinance were processed in a timely fashion and made available to the Mayor for signature.

The City does have an obligation to provide copies promptly, based upon the specific circumstances of a particular request, taking into account the quantity of documents or of copies requested, and the availability of staff and other resources necessary to satisfy the request. Staff is aware of their obligations under the California Public Records Act and goes to great lengths to assist and cooperate with public records requests. This particular situation has caused staff to reevaluate the way such requests are processed and the need for better coordination with the City Clerk and City Attorney. Staff now requires that Public Records Request forms are submitted prior to providing documents for review or copying.

CONCLUSION

After reviewing the documents and talking to the staff I have concluded that the staff actions were completely appropriate and that they followed the proper procedures relating to the Public Records request.

ENVIRONMENTAL

The investigation into the complaint is not a project as defined by the California Environmental Quality Act (CEQA). The investigation and compilation of project specific information qualifies for a Class 6 Categorical Exemption from CEQA pursuant to the CEQA Guidelines Section 15306. This exemption class applies to actions that involve basic data collection and research, and information gathering as part of a study that will not result in serious or major disturbances to existing resources or other aspects of the physical environment. If the City Council approves and accepts the Report for filing, staff will file a Notice of Exemption with the County of San Bernardino Clerk of the Board of Supervisors prior to preparation of the document.

FINANCIAL IMPACT

The preparation and submittal of the investigative Report will not result in any hard costs to the City of Loma Linda. The personnel costs (or soft costs) are covered by the Administration and Community Development budgets.

ATTACHMENTS

- A. Summary of City Council Actions
- B. Letter from Ms. Julie Biggs (dated October 3, 2005)
- C. Response Letter from City Attorney, Richard Holdaway (dated October 6 2005)
- D. Public Records Request Form (and Instructions Sheet)

Attachment A

Summary of City Council Actions

SUMMARY OF CITY COUNCIL ACTIONS

Orchard Park Specific Plan Project

The project site is 138 acres located north of Mission Road, south of Redlands Boulevard, east of the Southern California Edison Easement, and west of California Street.

09-20-05 Adopted Council Bill #R-2005-33.1 (Assigned Resolution No. 2414) General Plan Amendment No. 02-05, Amending the General Plan Land Use Designation from Business & Research Park (with support uses), Elementary School, and Community Park to Special Planning Area D (SPA D).

Adopted Council Bill #R-2005-34.1 (Assigned Resolution No. 2415) Adopting Specific Plan No. 02-13 (Orchard Park) for the subdivision of 138 acres into approximately 939 units, including mixed use units, multi family and single-family residences and senior housing; approximately 13 acres of parks, including pocket parks, trails with connection to adjacent development and a central park with an 8-acre church site with the following added conditions:

Orchard Park single-family lots of 7200 square feet or more are to be the same number in proportion to those in University Village (acreage or number of lots)

Orchard Park shall provide 11.8 acres and University Village shall provide 13.2 acres net school site which will include 3.7 acres joint use park land. This condition cannot be satisfied by either project individually. Neither Orchard Park nor University Village is deemed to have satisfied this condition without both parties insuring the school site equals 25 net acres.

Orchard Park and University Village are to participate in researching solution to connecting City trails to Santa Ana River Regional Trail System for a north/south connection across Redlands Boulevard and contribute to solution.

Introduced Council Bill #O-2005-10 on First Reading and Set Second Reading for September 27th - Adopting Specific Plan No. 02-13 (Orchard Park) for the subdivision of 138 acres into approximately 990 units, including mixed use units, multi family and single-family residences and senior housing; approximately 13 acres of parks, including pocket parks, trails with connection to adjacent development and a central park with an 8-acre church site with the following added conditions:

Orchard Park single-family lots of 7200 square feet or more are to be the same number in proportion to those in University Village (acreage or number of lots)

Orchard Park shall provide 11.8 acres and University Village shall provide 13.2 acres net school site which will include 3.7 acres joint use park land. This condition cannot be satisfied by either project individually. Neither Orchard Park nor University Village is deemed to have satisfied this condition without both parties insuring the school site equals 25 net acres.

Orchard Park and University Village are to participate in researching solution to connecting City trails to Santa Ana River Regional Trail System for a north/south connection across Redlands Boulevard and contribute to solution.

Introduced Council Bill #O-2005-08.1 on First Reading and Set Second Reading for September 27th - Zone Change No. 02-05 from Single-Family Residence (R-1), General Business (C-2), East Valley Corridor Specific Plan Special Development and Public Institutional to Planned Community (PC).

09-27-05 Adopted Council Bill #O-2005-10 on Second Reading/Roll Call Vote (Assigned Ordinance No. 644 - Adopting Specific Plan No. 02-13 for the subdivision of 138 acres into approximately 939 units, including mixed use units, multi family and single-family residences and senior housing; approximately 13 acres of parks, including pocket parks, trails with connection to adjacent development and a central park with an 8-acre church site with the following added conditions per 09-20-05 action.

Orchard Park single-family lots of 7200 square feet or more are to be the same number in proportion to those in University Village (acreage or number of lots)

Orchard Park shall provide 11.8 acres and University Village shall provide 13.2 acres net school site which will include 3.7 acres joint use park land. This condition cannot be satisfied by either project individually. Neither Orchard Park nor University Village is deemed to have satisfied this condition without both parties insuring the school site equals 25 net acres.

Orchard Park and University Village are to participate in researching solution to connecting City trails to Santa Ana River Regional Trail System for a north/south connection across Redlands Boulevard and contribute to solution.

Adopted Council Bill #O-2005-08.1 on Second Reading/Roll Call Vote (Assigned Ordinance No. 643) – Zone Change No. 02-05 from Single-Family Residence (R-1), General Business (C-2), East Valley Corridor Specific Plan Special Development and Public Institutional to Planned Community (PC)

Adopted Council Bill #O-2005-09 on Second Reading/Roll Call Vote (Assigned Ordinance No.646) - Adopting Specific Plan No. 02-08 for the subdivision of 163 acres into approximately 1507 units, including mixed-use units, multi-family and single-family residences; 172,000 square feet of commercial/retail spaces, 25 acres of park land including a private community center, trails that connect to adjacent developments and open space to maintain the existing orange groves and an 11-acre school site for future elementary and junior high schools with the following added conditions per 09-20-05 action.

University Village Specific Plan Project

The project site is 163 acres located north of Mission Road, south of Redlands Boulevard, east of the Southern California Edison Easement, and west of California Street.

09-20-05 Adopted Council Bill #R-2005-33 (Assigned Resolution No. 2416) – General Plan Amendment No. 02-02, Amending the General Plan Land Use Designation from Business & Research Park (with support uses), Elementary School, and Community Park to Special Planning Area D (SPA D)

Adopted Council Bill #R-2005-34 (Assigned Resolution No. 2417) – Adopting Specific Plan No. 02-08 (University Village) for the subdivision of 163 acres into approximately 1,507 units, including mixed-use units, multi-family and single-family residences; 172,000 square feet of commercial/retail spaces, 25 acres of park land including a private community center, trails that connect to adjacent developments and open space to maintain the existing orange groves and an 11-acre school site for future elementary and junior high schools with the following added conditions:

University Village shall provide 13.2 acres and Orchard Park shall provide 11.8 acres and net school site which will include 3.7 acres joint use park land. This condition cannot be satisfied by either project individually. Neither Orchard Park nor University Village is deemed to have satisfied this condition without both parties insuring the school site equals 25 net acres.

University Village and Orchard Park are to participate in researching solution to connecting City trails to Santa Ana River Regional Trail System for a north/south connection across Redlands Boulevard and contribute to solution.

Provide trail connectivity with Petersen Tract.

Modify commercial language in the Specific Plan to indicate acreage is approximate and may increase or decrease based upon commercial viability.

Introduced Council Bill #O-2005-09 on First Reading and Set Second Reading for September 27th - Adopting Specific Plan No. 02-08 (University Village) for the subdivision of 163 acres into approximately 1,507 units, including mixed-use units, multi-family and single-family residences; 172,000 square feet of commercial/retail spaces, 25 acres of park land including a private community center, trails that connect to adjacent developments and open space to maintain the existing orange groves and an 11-acre school site for future elementary and junior high schools with the following added conditions:

University Village shall provide 13.2 acres and Orchard Park shall provide 11.8 acres and net school site which will include 3.7 acres joint use park land. This condition cannot be satisfied by either project individually. Neither Orchard Park nor University Village is deemed to have satisfied this condition without both parties insuring the school site equals 25 net acres.

University Village and Orchard Park are to participate in researching solution to connecting City trails to Santa Ana River Regional Trail System for a north/south connection across Redlands Boulevard and contribute to solution.

Provide trail connectivity with Petersen Tract.

Modify commercial language in the Specific Plan to indicate acreage is approximate and may increase or decrease based upon commercial viability.

Introduced Council Bill #O-2005-08 on First Reading and Set Second Reading for September 27th - Zone Change No. 02-02 from Single-Family Residence (R-1), General Business (C-2), East Valley Corridor Specific Plan Special Development and Public Institutional to Planned Community (PC).

09-27-05 University Village shall provide 13.2 acres and Orchard Park shall provide 11.8 acres and net school site which will include 3.7 acres joint use park land. This condition cannot be satisfied by either project individually. Neither Orchard Park nor University Village is deemed to have satisfied this condition without both parties insuring the school site equals 25 net acres.

University Village and Orchard Park are to participate in researching solution to connecting City trails to Santa Ana River Regional Trail System for a north/south connection across Redlands Boulevard and contribute to solution.

Provide trail connectivity with Petersen Tract.

Modify commercial language in the Specific Plan to indicate acreage is approximate and may increase or decrease based upon commercial viability.

Adopted Council Bill #O-2005-08 on Second Reading/Roll Call Vote (Assigned Ordinance No. 645) - Zone Change No. 02-02 from Single-Family Residence (R-1), General Business (C-2), East Valley Corridor Specific Plan Special Development and Public Institutional to Planned Community (PC).

Attachment B

**Letter from Ms. Julie Biggs
(dated October 3, 2005)**



1403 Tenth Street - Suite 300
Riverside, California 92501-3659
voice 951.788.0100 fax 951.788.5785
www.bwslaw.com



BURKE WILLIAMS & SORESEN, LLP

Our File No:
04789-0001
jbiggs@bwslaw.com

October 3, 2005

Via Facsimile (909)799-2890 and U.S. Mail

Ms. Pamela Byrnes O'Camb
City Clerk
City of Loma Linda
25541 Barton Road
Loma Linda California 92354

Re: University Village and Orchard Park

Dear Ms. O'Camb:

As I informed you this afternoon, I represent Ms. Kathy Glendrange and I have been asked to obtain signed copies of all of the various resolutions and ordinances adopted by the City of Loma Linda on September 20 and 27, 2005 relating to the University Village and Orchard Park projects. These include resolutions and ordinances adopting general plan amendments and specific plans. As these are formal enactments of the City, they are public documents and must be made immediately available to Ms. Glendrange.

As of today, you have informed me that these documents are not available as they have not apparently been corrected with regard to final dates and/or signed by the Mayor. In fact, you have indicated that you are still getting these documents ready for execution by the Mayor. You have said that you cannot give a date on which they might be finally prepared or signed.

It has now been 13 days since the first approvals on September 20, 2005 and 6 days since the approvals on September 27, 2005. The Council has acted on these matters, presumably on final documents as required by law. As you cannot give a definitive date as to when signed documents will be available, you should be aware that Ms. Glendrange will rely on the documents as submitted to and acted upon by the City Council on the dates on which such action was taken for any legal action she may undertake.

As a matter of information, Ms. Glendrange has reported to me that she has had difficulty in the past obtaining basic public records from the City of Loma Linda. She was, for example, informed last week by Mr. Kang, a City Planner, that he would not release copies of the specific plans that are the subject of the documents requested

BURKE, WILLIAMS & COLEMAN, LLP

Pamela Byrnes O'Camb, City Clerk
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here for a period of 10 days, even though they had been formally acted upon by the City Council. You and other staff members should be aware that public records that have been presented to and acted upon by the City Council must be made immediately available to the public for inspection and copying upon request. The 10 day period referred to by Mr. Kang refers only to documents where some question exists as to whether they are public records.

Government Code Section 54957.5 provides as follows in this regard:

"(a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.7, or 6254.22.

(b) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(c) Nothing in this chapter shall be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). Nothing in this chapter shall be

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construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication."

Further, Government Code Section 6253 makes it very clear that these public records are to be made available upon request, not after a 10 day waiting period. That statute reads:

"(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

....

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter."

While subsection (c) of this statute does allow a 10 day period to determine if a particular document constitutes a disclosable public record, there is no 10 day period during which the City may delay access to acknowledged public records such as resolutions and ordinances enacted by the City. Access must be immediate and copies must be made "upon request."

Pamela Byrnes O'Camb, City Clerk
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Further, under new provisions of law, the City has an affirmative duty to assist citizens in obtaining public records that relate to the issue of interest to the member of the public. Government Code Section 6253.1 states as follows in this regard:

(a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2) Describe the information technology and physical location in which the records exist.

(3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253.

(d) This section shall not apply to a request for public records if any of the following applies:

(1) The public agency makes available the requested records pursuant to Section 6253.

(2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 6254.

(3) The public agency makes available an index of its records."

Pamela Byrnes O'Camb, City Clerk
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As I am certain you know, the right to access public records has also now been made a fundamental constitutional right in California which subjects public entities and public employees to potential liability for civil rights violations if such access is denied or unreasonably delayed.

I assume that your office and staff will be more responsive in the future.

Very truly yours,

BURKE, WILLIAMS & SORESENSEN, LLP


Julie Hayward Biggs

cc: Kathy Glendrange

Attachment C

**Response Letter from City Attorney, Richard Holdaway
(dated October 6, 2005)**

Law Offices
ROBBINS & HOLDAWAY
A Professional Corporation

DIANE E. ROBBINS
RICHARD E. HOLDAWAY

201 WEST "F" STREET
ONTARIO, CALIFORNIA 91762
Telephone (909) 391-9000
Telecopier (909) 391-9117

October 6, 2005

VIA FAX NO. (951) 788-5785
AND FIRST CLASS MAIL

OCT 11 2005

Julie Hayward Biggs
Burke, Williams & Sorensen, LLP
3403 Tenth St., Suite 300
Riverside, CA 92501-3659

Re: University Village and Orchard Park

Dear Ms. Biggs:

Your letter of October 3, 2005 has been forwarded to me for my review. I have discussed with staff the concerns raised in your letter, and I am satisfied that the City of Loma Linda has fully complied with the requirements of the Public Records Act.

You have complained that Ms. Glendrange has not been provided "signed copies" of various resolutions and ordinances. I find this complaint to be surprising. Surely you must be aware that City staff is required to make changes to draft documents to reflect final actions taken during the course of City Council meetings. Further, final resolutions and ordinances must be officially signed. The documents in question were processed in a timely fashion and made available to the Mayor for signature. Unfortunately, as I am sure you know, in a city where the mayor serves on a part-time basis, some days may elapse before the mayor has the opportunity to review and sign the final documents. In your letter you have contended that the final signed documents must be made "immediately available." That is simply not true. Until signed originals exist, copies cannot be made available to Ms. Glendrange. I have been assured by the City Clerk that, when the final documents are signed by the Mayor, they will be made available for Ms. Glendrange's review, and that copies, if requested, will be promptly provided upon payment of appropriate copying charges.

With regard to Ms. Glendrange's request for copies of the voluminous documents related to University Village and Orchard Park, it is not true to state that those documents were not made immediately available for Ms. Glendrange's inspection. They were. Unfortunately, however, Ms. Glendrange was apparently under the misunderstanding that City staff is required to provide copies of any and all documents requested, no matter how voluminous, by 5:00 p.m. of the date on which the request is received. I am not aware of any legal authority for that proposition. The

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City does have an obligation to provide copies "promptly." A determination of what the term "promptly" means must be based upon the specific circumstances of a particular request, and must take into account the quantity of documents or of copies requested, and the availability of staff and other resources necessary to the copying process. The City did agree to provide the copies but could simply not do so instantaneously, as apparently demanded by Ms. Glendrange. Ms. Glendrange was given the option of having a private copy service perform the copying task at her expense. Ms. Glendrange availed herself of that opportunity, and therefore any issue raised in that regard is moot.

City staff members are certainly aware of their obligations under the California Public Records Act and go to great lengths to assist and cooperate with public records requests. Our City staff has a well deserved reputation for good customer service and civility. The staff fully complies with legal requirements, even when faced with demands which may be described as somewhat less than polite or reasonable.

Please feel free to contact the undersigned if there is any specific Public Records Act request that needs further attention.

Very truly yours,

ROBBINS & HOLDAWAY



RICHARD E. HOLDAWAY,
City Attorney, City of Loma Linda

REH:sw

cc: Pam O'Camb

Attachment D

Public Records Request Form (and Instructions Sheet)

PUBLIC RECORDS REQUEST FORM

CITY OF LOMA LINDA
25541 BARTON ROAD, LOMA LINDA, CA 92354
ATTN: CITY CLERK
(909) 799-2819 FAX: (909) 799-2890

Date:	Received by City Clerk on (Date):
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Name of Individual and/or Company Requesting Records:

Address:

City:	State:	Zip Code:
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Telephone:	FAX:	Contact Person
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[illegible]

You will be notified within ten (10) days whether your request seeks copies of disclosable public records in the possession of this agency. There is a charge for cost of duplication: \$.20/page.

I hereby agree to reimburse the City of Loma Linda for the direct cost of duplicating the information requested.

See Reverse Side For Instructions.

INSTRUCTIONS FOR REQUESTING RECORDS
(California Public Records Act. Government Code Section 6250 *et. seq.*)

1. All requests for records must be submitted to the City Clerk at 25541 Barton Road, Loma Linda, CA 92354. Requests will be processed in the order in which they are received. A Public Records Request Form can be faxed to you by calling (909) 799-2810. Requests may be submitted by facsimile to (909) 799-2890.
2. Requests must be for records in the possession of the City of Loma Linda. Requests must also be focused and specific, and must reasonably describe identifiable records (Gov. Code Sec. 6253). Requests not meeting these criteria may be returned.
3. You will be notified within ten (10) days whether your request seeks copies of disclosable public records in the possession of this agency. In most cases, your request will be processed within two to four weeks, or sooner.
4. The City may invoke a 14-working day extension of time to determine whether to comply with your request if there is a need to:
 - a. Search for and collect the requested records from field facilities.
 - b. Search for and examine a voluminous number of records.
 - c. Consult with another agency or City departments having a substantial interest in the determination of the request.
 - d. Compile data or construct a computer report to extract data..
5. You will be notified of the approximate number of pages and/or length of time it will take to process your request.
6. If your request is to review records (rather than receive copies), an appointment will be made with you for review once the records are gathered.
7. There is a charge for the direct cost of duplication of \$.20/page. Payment must be made prior to release of records requested.
8. Certain records are generally exempt from disclosure pursuant to Government Code Section 6255, where the public interest served by not making the records public clearly outweighs the public interest served by disclosure of the records. The Government Code further provides that certain other records are specifically exempt from disclosure.